

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES CIFERNI,
Plaintiff,

v.

BOILERMAKERS LOCAL 13,
JOSEPH JACOBY,
MARTY STANTON, and
JOHN CLARK,
Defendants.

CIVIL ACTION

NO. 15-4807

ORDER

AND NOW, this 25th day of January, 2016, upon consideration of Motion to Dismiss of Defendants, Boilermakers Local 13, Joseph Jacoby, and John Clark (Doc. No. 6, filed November 2, 2015), Defedant [sic] Stanton's Motion to Dismiss (Doc. No. 7, filed November 2, 2015), Plaintiff's Opposition to Motion to Dismiss of Defendants, Boilermakers Local 13, Joseph Jacoby, and John Clark (Doc. No. 8, filed November 12, 2015), and Plaintiff's Opposition to Defedant [sic] Stanton's Motion to Dismiss (Doc. No. 9, filed November 12, 2015), for the reasons set forth in the accompanying Memorandum dated January 25, 2016, **IT IS ORDERED** that the Motion to Dismiss of Defendants, Boilermakers Local 13, Joseph Jacoby, and John Clark is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. That part of defendants' Motion which seeks dismissal of plaintiff's claim for retaliation under the Americans with Disabilities Act ("ADA") (Count I) against Boilermakers Local 13 is **DENIED**.

2. That part of defendants' Motion which seeks dismissal of plaintiff's claim for retaliation under Title VII of the Civil Rights Act of 1964 ("Title VII") (Count II) against Boilermakers Local 13 is **DENIED**.

3. That part of defendants' Motion which seeks dismissal of plaintiff's claims under the Pennsylvania Human Relations Act ("PHRA") (Counts III-IV) against Boilermakers Local 13, Joseph Jacoby, and John Clark is **DENIED**.

4. That part of defendant's Motion which seeks dismissal of plaintiff's claim for punitive damages and to strike plaintiff's jury demand is **DENIED WITHOUT PREJUDICE**.

5. Defendants' Motion is **GRANTED** in all other respects. Excepting only those claims listed above, plaintiff's claims against Boilermakers Local 13, Joseph Jacoby, and John Clark are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Defendant Stanton's Motion to Dismiss is **GRANTED**. All claims against defendant Marty Stanton are **DISMISSED WITH PREJUDICE** and defendant Marty Stanton shall be **REMOVED** from the caption of the case.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.